

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-10-07)
NOVEMBER 24, 2010

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by the NW Dev Group, LLC for a zoning map amendment in the Evergreen zoning district. The proposed amendment would change a portion of the property described from SAG-10 Suburban Agricultural to I-1H Light Industrial Highway.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on December 8, 2010 at 6:00 PM in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning map amendment at a date and time yet to be determined. Documents pertaining to the zoning map amendment are available for public inspection at the Flathead County Planning and Zoning Office in the Earl Bennett Building located at 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendment will also be available for public inspection in the Flathead County Clerk and Records Office, 800 South Main Street, in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed amendment is not within the jurisdiction of any local land use advisory committee or local land use council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed amendment on December 8, 2010 at 6:00 PM in the 2nd floor conference room of the Earl Bennett building; during this time the Planning Board will make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation.

C. Commission

The Flathead County Commissioners will hold a public hearing on the proposed amendment on a date to be determined. This space is reserved for a summary of the Commission's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

NW Dev Group, LLC
4260 Galewood Street, Suite B
Lake Oswego, OR 97035

ii. Technical Assistance

Erica Wirtala, AICP
Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901
erica@sandssurveying.com

B. Subject Property Location and Legal Description

The subject properties are located south of Rose Crossing and east of U.S. Highway 2, near the intersection of these two thoroughfares (see Figure 1 below). They can be legally described as Tract 3A and Tract 7F in the NE ¼ of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

C. Proposed Zoning Map Amendment

The map amendment requested would change the current zoning on all of Tract 7F and a portion of Tract 3A from “SAG-10 Suburban Agricultural” to “I-1H Light Industrial Highway”. While the combined area of both tracts is 61.8 acres, the requested zone change would only apply to 30.65 acres of the land involved. All of Tract 7F and the western half of Tract 3A, running parallel to the highway and west of Trumbull Creek, would be zoned I-1H; the eastern portion of Tract 3A would remain under SAG-10 zoning.

Figure 1: Location of subject properties and current zoning.

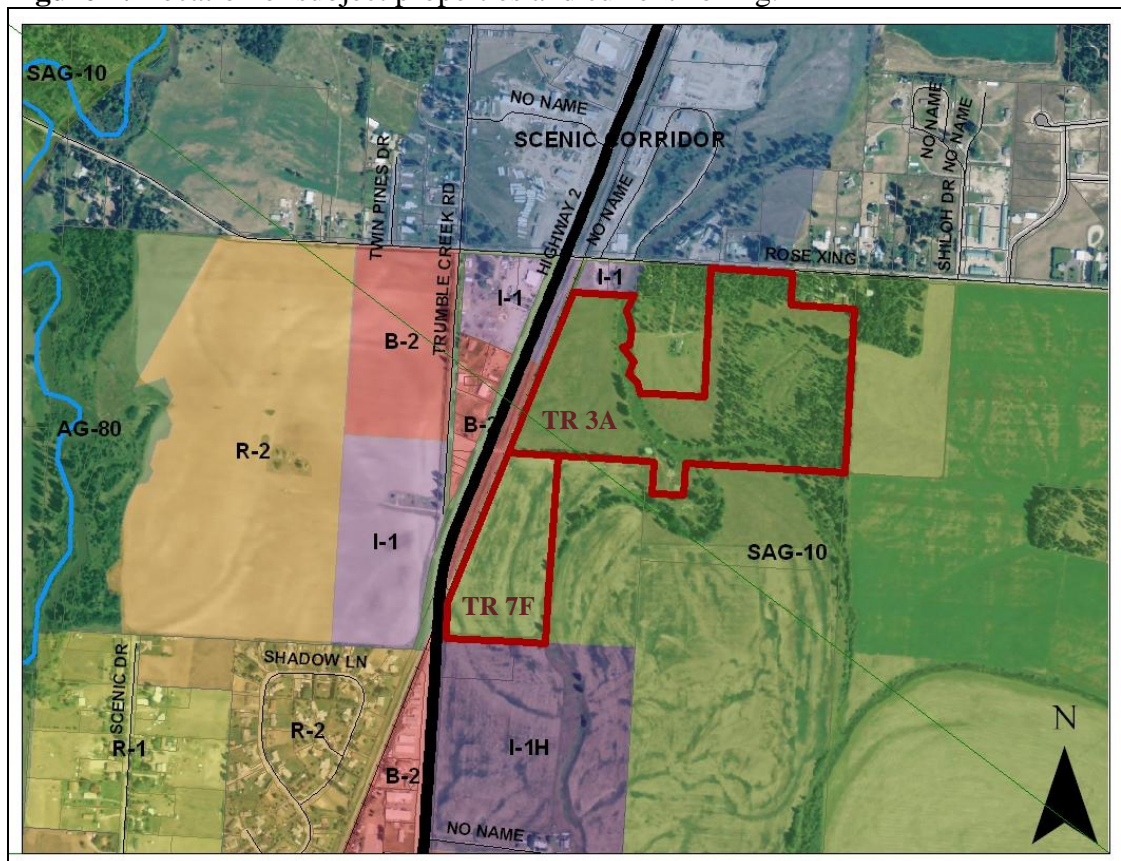


Figure 2: Proposed zoning on Tracts 3A and 7F.



D. General Character of and Reason for Amendment

As described above, the zoning map amendment would apply to 30.65 acres of Tracts 3A and 7F running parallel to the Mission Mountain Railroad and lying west of Trumbull Creek. The proposed map amendment to change the subject property from a “SAG-10 Suburban Agricultural” designation to an “I-1H Light Industrial – Highway” designation would increase the amount of industrial land available in the County having (potential) access to rail. The subject property is part of a larger development plan that may include single family residential, multi-family residential, townhomes and dedicated open space in the future; the industrial development component of this plan aims to capitalize on the property’s proximity to both the existing rail line and U.S. Highway 2.

A similar zone change was applied for on the subject property in 2006; however, the previous request was for a zoning map amendment on the entire 61.8 acres, with the same portion of Tract 3A and Tract 7F changing to I-1H and the east portion of Tract 3A changing to “R-4 Two Family Residential”. Staff review of the original request found high density residential development to be inappropriate for the area, due to the lack of public water and sewer services and facilities. Staff recommended denial of the application based on this lack of public services and the proposed “I-1H” zoning designation splitting a tract of land. The applicant chose to withdraw the requested

zone change following the Planning Board's deliberation of the file and motion to recommend denial.

In 2007 the applicant submitted an application to the City of Kalispell for a zone change request from SAG-10 to I-1 and R-3 upon annexation into the City, a Planned Unit Development (PUD) and 176-lot subdivision on approximately 160 acres of land that included Tracts 3A and 7F. The I-1 zoning requested of the City would have applied to the same 30.65 acre portion of Tract 7F and 3A currently under consideration for I-1H zoning. Upon review, the City of Kalispell's Planning Board found the requested zone change, PUD and subdivision to be acceptable based on the City's review criteria. However, the timing of the development and annexation requirements of the project posed major concerns for the Planning Board and City Council, prompting a wholesale review of annexation policies. The end result of this lengthy process is that the subject property is unlikely to be annexed into the City of Kalispell in the near future.

Due to annexation uncertainty at the City level and the current development climate in Flathead County, the applicant has pared down previous requests that included high density residential development, focusing instead on the desirability and need for industrial land throughout the County. Hence, the request before the County is for a zone change from "SAG-10 Suburban Agricultural" to "I-1H Light Industrial Highway".

E. Adjacent Zoning and Character of the Overall Zoning District

The subject properties are located within the Evergreen zoning district and are surrounded by a variety of zoning designations. Zoning to the north includes "I-1 Light Industrial" and "SAG-10 Suburban Agricultural"; beyond Rose Crossing properties are generally unzoned, although land within ¼ mile of U.S. Highway 2 is zoned "Scenic Corridor", which regulates off-premise signage and cell towers. Property to the immediate east is zoned SAG-10 Suburban Agricultural. Zoning to the south includes SAG-10 as well as "I-1H Light Industrial – Highway", similar to what has been requested by the applicant. To the west of the subject property and across U.S. Highway 2, zoning includes "I-1 Light Industrial" and "B-2 General Commercial".

Land use in the general area is as varied as the zoning in place, and the character is a mix of rural residential, farmland, some existing commercial and industrial uses as well as pockets of higher density residential development. North of Rose Crossing and east of the highway uses are predominantly residential, while property immediately adjacent to the rail line and U.S. Highway 2 appears to be utilized more for commercial and light industrial activities. East of the subject property land is generally undeveloped and appears utilized for agricultural activities. Property to the immediate south is similarly undeveloped at this time. To the west are a number of commercial and light industrial uses fronting U.S. Highway 2, including mobile home sales, an industrial storage yard and a biomass recycling facility.

When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. The three part test establishes whether the zoning requested would allow a use that differs significantly from the prevailing use(s) in the area, would apply to a small area or benefit a small number of separate landowners, and is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public. Upon review of the request, noting existing land use(s) in the area, size and scope of the proposed map amendment and the presence of light industrial zoning to the north and south of the subject property and similarly situated along the highway corridor, it appears the map amendment does not have the potential for spot zoning because it fails to meet all three criteria established.

F. Public Services and Facilities

Sewer:	Individual septic system(s)
Water:	Individual well(s)
Wastewater:	Onsite absorption and control measures
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy (if available)
Telephone:	CenturyTel
Schools:	Helena Flats School District (K-8); Kalispell School District (9-12)
Fire:	Evergreen Fire District
Police:	Flathead County Sheriff’s Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on November 15, 2010. Legal notice of the Planning Board public hearing on this application will be published in the November 21, 2010 edition of the Daily Interlake.

Following the Planning Board hearing on December 8, 2010, public notice of the zoning map amendment will be physically posted on the subject properties and within the zoning district according to statutory requirements found in Section 76-2-205 M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will

include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals were sent to the following agencies on September 30, 2010:

- Flathead County Public Works/Flathead County Road Department
 - Reason: Tract 3A fronts a public County road (Rose Crossing) and future development on the property could impact public infrastructure.
- Flathead City/County Health Department
 - Reason: The property would utilize private well and septic utilities, and future development would require review by the Environmental Health Department.
- Montana Department of Transportation
 - Reason: Tract 7F fronts a highway (U.S. Highway 2), and future development on the property has the potential to directly or indirectly impact this state highway.
- Department of Energy - Bonneville Power Administration
 - Reason: BPA has requested to receive agency comment for applications received by our office, especially large subdivisions or development proposals.
- Evergreen Volunteer Fire Department
 - Reason: The subject property is located within the department's jurisdiction.
- Evergreen Water and Sewer District
 - Reason: The subject property is in close proximity to the public water and sewer district, and has the potential to impact this public utility in the future.
- City of Kalispell Planning Department
 - Reason: The subject property is in relative close proximity to the City of Kalispell planning jurisdiction, and the City has previously reviewed a zone change, planned unit development and subdivision request for the property.
- Burlington Northern Santa Fe Railway
 - Reason: The subject property is bordered to the west by the Burlington Northern Santa Fe rail line and future development may impact this infrastructure. (Note: during the course of this review staff became aware the rail line is actually known as the Mission Mountain Railroad and is operated by Watco Companies, Inc.).

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment will do so at the Planning Board public hearing scheduled for December 8, 2010. Written comments received following the completion of this report will be

provided to the Planning Board and Board of Commissioners and summarized during the public hearing(s).

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Dave Prunty, Flathead County Road & Bridge Department
 - Comment: At this time we have no comment on the application.
- Glen Gray, Flathead City-County Health Department – Environmental Health
 - Comment: The property is located in an area where there is mapped 100-year floodplain and which has potentially shallow groundwater. Any onsite sewage treatment systems that are proposed must account for these factors. Groundwater monitoring through the spring of the year may be required prior to the issuance of a septic system permit. No portion of the sewage treatment system may be constructed within the 100-year floodplain and any drainfield must have a minimum setback of 100 feet from the floodplain.
- Joe Russell, Flathead City-County Health Department
 - Comment (verbal): General concerns regarding floodplain and high groundwater in this area and how industrial uses may impact sensitive riparian areas through lack of properly-managed stormwater run-off. The property may be adjacent (or very nearly adjacent) to the Evergreen Water and Sewer District, which could require annexation when future development occurs.
- Jamie Murray, Bonneville Power Administration
 - Comment: In reviewing the proposed plan, we have found that this proposal will not impact any BPA transmission line corridors located within this area. BPA does not have any objections to the approval of this request at this time.
- Craig Williams, Evergreen Volunteer Fire Department
 - Comment (verbal): Concerns regarding the types of uses that could be allowed under an I-1H zoning designation and the fire department's ability to provide services to certain uses in the event of an emergency. Also has concerns regarding access onto Rose Crossing and the potential for the rail corridor to impact or be negatively impacted by increased industrial vehicle traffic turning onto and off of U.S. Highway 2 at this intersection.
- Sean Conrad, City of Kalispell Planning Department
 - Comment (verbal & written): The City of Kalispell recommended approval of the requested zone change (to I-1 and R-3); however concern regarding the City's annexation policy would preclude this area from being annexed into the City's jurisdiction in the near future.
 - Provided staff report for the proposed 2007 zone change, PUD and subdivision request for additional reference.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build Out Analysis

Once a zone is applied in a certain area, landowners have certain land uses and densities that are allowed “by-right” or subject to some additional review. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses and densities. Build-out analyses are objective and are not “best-case” or “worst case” scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, future demands for public services and facilities, the environment and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zone change to the future of the community to allow for the best possible review today.

Current Zoning

As previously stated, the subject properties are zoned “SAG-10 Suburban Agricultural”, a use district *“to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate type residential development”* (Section 3.07.010 FCZR). The following is a list of permitted uses in a SAG-10 zone:

1. Agricultural/horticultural/silvicultural uses.
2. Cellular towers.
3. Class A and Class B manufactured homes.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care homes.
7. Dwellings, single-family.
8. Guest houses.
9. Home occupations.
10. Homeowners parks and beaches.
11. Nurseries, landscaping materials.
12. Parks and publicly owned recreational facilities.
13. Produce stands.
14. Public transportation shelter stations.
15. Public utility service installations.
16. Ranch employee housing.
17. Stables, riding academies, rodeo arenas.

The following uses are listed as conditional uses in a SAG-10 zone; an asterisk designates conditional uses that may be reviewed administratively:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camps and retreat centers.

6. Caretaker's facility.*
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. Community center buildings operated by a non-profit agency.
10. Community residential facilities.**
11. Contractor's storage yards.*
12. Dwellings, family hardship.*
13. Electrical distribution stations.
14. Extractive industries.
15. Golf courses.
16. Golf driving ranges.
17. Kennels, commercial.*
18. Manufactured home parks.
19. Recreational facilities, low-impact.
20. Schools, primary and secondary.
21. Temporary buildings or structures.*
22. Water and sewage treatment plants.
23. Water storage facilities.

Minimum lot size in a SAG-10 zone is 10 acres. The subject property is comprised of two separate tracts of land totaling 61.8 acres, with Tract 3A being 46.868 acres and Tract 7F 14.962 acres in size. Given the current configuration, Tract 7F would be unable to further subdivide under SAG-10 zoning. Tract 3A has the potential to be subdivided into four individual lots, each 10+ acres in size. However, necessary infrastructure requirements, the existence of Trumbull Creek, 100-year floodplain and other sensitive riparian areas would limit the developable area of the lot. Additionally, an existing home site on the southernmost portion of Tract 3A may impact the configuration of future lots. It is anticipated no more than four lots could be created outright under the current zoning, for a total of five lots between the two tracts involved.

Residential clustering is an option available under the existing zoning, but future development would be subject to the clustering guidelines and performance standards found in Section 5.09 of the Zoning Regulations. Planned Unit Developments (PUD) are also possible under SAG-10 zoning, and would be required to adhere to the design standards and guidelines for PUDs found in Section 3.31 of the zoning regulations. Given the maximum permissible density allowable for a SAG-10 PUD (2 dwelling units/10 acres), a total of eight units would be possible on Tract 3A and two units on Tract 7F, for a total of 10 units under a PUD scenario.

Bulk and dimensional standards under SAG-10 zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while setbacks for accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads

classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 20%.

Proposed Zoning

The proposed map amendment would change the zoning on Tract 7F and the western portion of Tract 3A to “I-1H Light Industrial – Highway”, a use district intended “*to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial or non-specified commercial uses within the district be prevented other than those listed herein. This district is intended for industrial areas which are located along state and federal highways and contain greater levels of performance and mitigation utilizing increased setbacks, landscape buffering, access control and signage restriction for the purpose of protecting the Countys major travel ways from unnecessary encroachments, limiting access points to encourage improved traffic flows and to preserve scenic corridors and entrance ways to major communities*” (Section 3.28.010 FCZR). The following uses are permitted in an I-1H zone:

1. Accessory apartments.
2. Animal related services such as pet grooming and training, veterinary clinics and animal hospitals, taxidermy, aviaries and farrier services.
3. Art foundries.
4. Auction yard, without livestock.
5. Automobile, RV, watercraft (new and used) and accessory sales.
6. Automobile service stations.
7. Boat sales, new and used.
8. Bus stations.
9. Car washes.
10. Cellular towers.
11. Churches and other places of worship.
12. Contractors’ storage yards and building supply outlets.
13. Day care centers.
14. Direct mailing and telemarketing.
15. Farm equipment sales.
16. Feed, seed and farm supply, including grain elevators.
17. Financial institutions.
18. Food stores, supermarkets, and delicatessens.
19. Health clubs.
20. Heating, ventilation, air conditioning and plumbing sales, service and repair.
21. Heavy equipment sales, rental and service.
22. High tech industrial business.
23. Hotels, motels.
24. Janitorial service.
25. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts

beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:

- A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
 - B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment; and boat building.
 - C. Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.
 - D. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
 - E. Storage and warehousing such as mini-storage, boat and vehicle storage.
- 26. Lodges and fraternal and social organizations, provided that any such establishments shall not be conducted primarily for gain.
 - 27. Lumber yards, building materials; storage and sales.
 - 28. Manufactured home sales and storage.
 - 29. Nurseries and landscape materials, wholesale and retail.
 - 30. Offices.
 - 31. Parcel delivery services.
 - 32. Parks and publicly owned recreational facilities.
 - 33. Public transportation shelter stations.
 - 34. Public utility service installations. (A minimum of five feet of landscaped area shall surround such building or structure.)
 - 35. Quasi-public buildings (fire stations, government offices, etc.)
 - 36. Radio and television broadcast stations.
 - 37. Recreational facilities, high-impact.
 - 38. Recreational facilities, low-impact.
 - 39. Recreational vehicle parks.
 - 40. Recycling drop-off stations.
 - 41. Rental stores and yards.
 - 42. Research laboratories and institutions.
 - 43. Retail sales and services.
 - 44. Restaurants.
 - 45. Security guard services.
 - 46. Theaters, housed in permanent indoor structures.
 - 47. Tire recapping and retreading.
 - 48. Truck terminals.
 - 49. Wholesale trade and warehousing.

The following uses are listed as conditional uses in an I-1H zone; once again, an asterisk designates conditional uses that may be reviewed administratively:

1. Auction yards, livestock.
2. Colleges, business schools, trade schools, music conservatories, dance schools.
3. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
4. Commercial recreation areas.
5. Communication towers/masts.
6. Convention hall facilities.
7. Electrical distribution stations.
8. Golf driving ranges and putting courses.
9. Landfills, sanitary for disposal of garbage and trash.
10. Mini-storage, RV storage.
11. Mortuaries.
12. Radio and television broadcast stations.
13. Recycling processing plants.
14. Taverns.
15. Temporary buildings or structures.*
16. Water storage facilities.

*Administrative Conditional Use Permit (See Section 2.06.045)

Minimum lot size in an I-1H zone is 1 acre. The property involved in the zone change request totals 30.65 acres, with all of Tract 7F and approximately 15.7 acres of the western portion of Tract 3A included in the change from SAG-10 to I-1H. A boundary line adjustment would be completed following the zone change request to reflect the proposed re-zoning description and create one unified tract of land zoned I-1H. The remaining acreage to the east of Trumbull Creek (approximately 31 acres) would continue to be zoned SAG-10. Maximum build-out would be 30 lots under the proposed I-1H zoning and 3 lots under the remaining SAG-10 zoning. It is anticipated approximately 30% of the tract would be utilized for infrastructure improvements and constrained by 100-year floodplain and the sensitive riparian area along Trumbull Creek, limiting the developable area and resulting in less than the maximum 33 lots. Cluster development is not an option available under I-1H zoning. Commercial/Industrial Planned Unit Developments are possible for property zoned I-1H, but would be required to adhere to the design standards and guidelines for PUDs found in Section 3.31 of the zoning regulations.

The bulk and dimensional standards in an I-1H zone require minimum setbacks of 20 feet from the front, rear and side-corner boundaries and 10 feet from the side property boundaries for all structures. When a property abuts a highway and has direct access to that highway, the setback requirement increases to 100 feet; when a property abuts a highway and has no direct access, the setback increases to 35 feet. Properties abutting County roads with direct access have a setback requirement of 50 feet, and properties abutting or including a stream have a setback of 50 feet from the established high water mark. The maximum allowable building height is 40 feet for all structures and lot coverage is unrestricted.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

According to 76-2-203 (1) and 76-2-203(a), M.C.A. zoning regulations must be made in accordance with the growth policy. The proposed zoning map amendment is located within the jurisdiction of Two Rivers Master Plan Amendment, approved by the Flathead County Commissioners by Resolution No. 1822A on June 28th, 2005. The plan amendment was then incorporated as an addendum to the Flathead County Growth Policy, adopted by Resolution No. 2015A on March 19, 2007.

The Two Rivers Master Plan Amendment consists of a master plan map and 12 policy statements/guidelines. The proposed zoning map amendment is consistent with the master plan map in that Tract 7F and the portion of Tract 3A generally west of Trumbull Creek have been designated industrial (see Figures 3 and 4 below).

Figure 3: Two Rivers Master Plan Amendment Designated Land Use Map

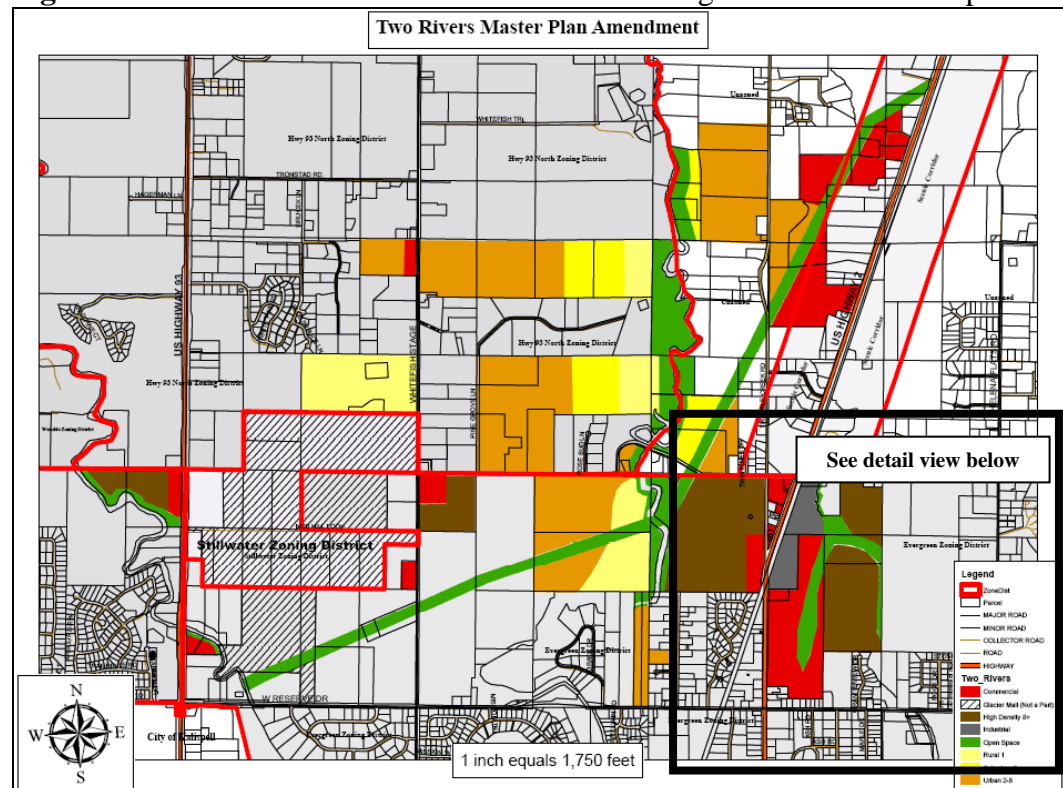
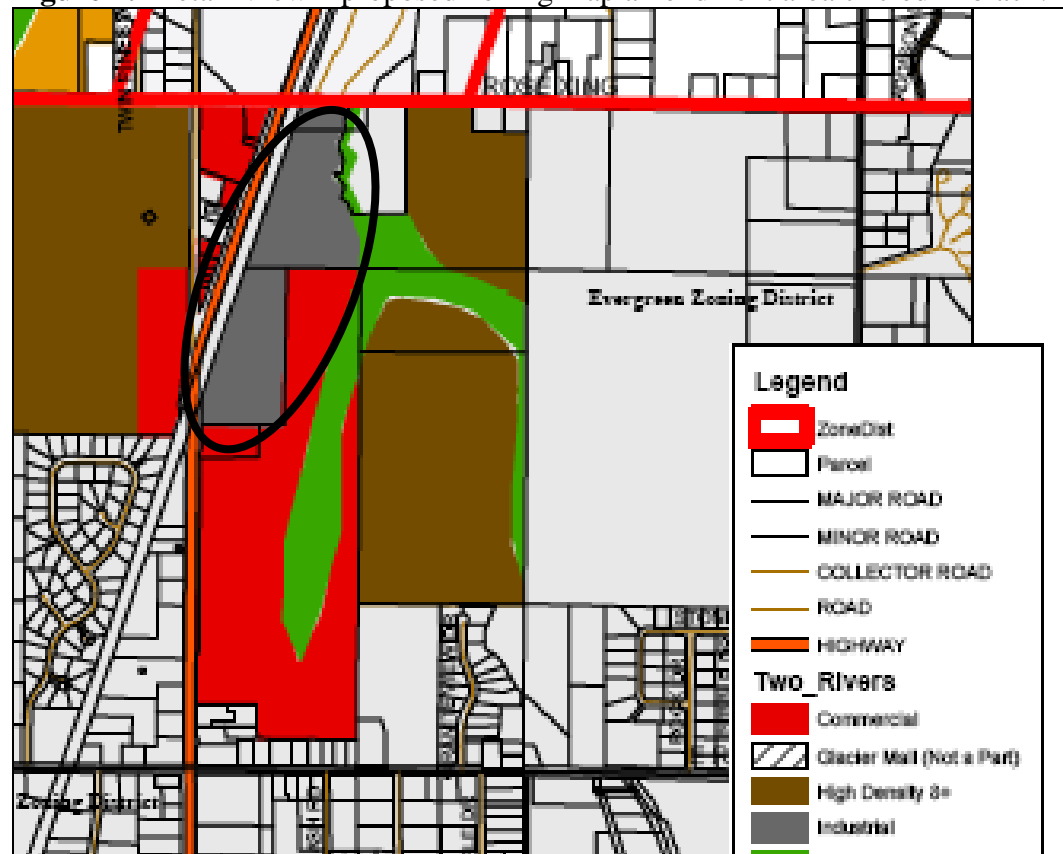


Figure 4: Detail View – proposed zoning map amendment area circled in black.



The Two Rivers Master Plan did not establish a vision statement, goals, or policies; instead, 12 policy statements and guidelines convey the overall intent of the plan amendment. The following discussion identifies how the proposed zoning map amendment specifically relates to the 12 policy statements/guidelines:

1. *The Two Rivers Master Plan Amendment area is an area appropriate for urban expansion and development. Urban services and utilities will be identified by the County and be required to be available at the time of the first phase for development. No urban services will be required for rural area designations.*

Public water and sewer facilities are not yet available to serve the subject properties, therefore individual well and septic facilities have been proposed to serve future industrial development. While industrial development is not considered a 'rural area designation', it is not uncommon for industrial uses to utilize individual well and septic systems for operations on site. The Evergreen Water and Sewer District is located to the south and southwest of the subject properties, and review of future development by the Department of Environmental Quality and the Environmental Health Department may require annexation into the public water and sewer district, pursuant to Section 17.36.328 of ARM and Section 76-3-601 M.C.A. While some urban service and utilities are available to serve the proposed industrial uses (electricity, gas, telephone, emergency medical services, etc.), the lack of public water and sewer utilities is not entirely consistent with this policy statement.

2. *It is encouraged that a specific development plan be proposed at the time any part of the area is rezoned. The proposal plan would include urban scale development and improvements and would identify the service providers. If the area is to be annexed, a development plan and petition to annex would have been filed.*

While a specific development plan for the subject property(s) has not been submitted, the history of the property indicates that a project plan does exist, in one form or another. Previous iterations have included medium to high density residential development on tracts to the south and under the same ownership, as an expansion of the existing platted “Trumbull Creek Crossing” subdivision located off of East Reserve Drive.

3. *The residential areas within the Two River Master Plan Amendment should be designated to provide a residential density of up to four dwelling units per acre with a higher density being allowed with a provision for the open space and/or park areas as part of an integrated development plan.*

The Two Rivers Master Plan map indicates this area has been designated for industrial uses; this policy statement is not directly applicable to the zoning map amendment requested.

4. *Special consideration and opportunities should be provided to allow the creation of a variety of housing options that include single family, two family, multi-family and mobile home parks as part of an overall development plan.*

Once again, the property has been designated for industrial uses according to the Two Rivers Master Plan map, and the creation of a variety of housing options is not directly applicable to the request at hand.

5. *Urban standards be developed within the County that are consistent with the development standards used by the city of Kalispell that includes adequate right-of-way, paved roads, pedestrian access and storm water management plans.*

The minimum lot size allowed in I-1H zoning would likely require some urban infrastructure. To achieve the minimum lot sizes in the future, the DEQ may require public utilities be available to serve the subject property. Extending water and sewer utilities to the property may require the developer to enter into an agreement with the City of Kalispell that would require any development be made to City of Kalispell standards, and could require annexation into the Evergreen Water and Sewer District.

6. *As development in this area occurs an adequate provision be made for parks, recreation and open space areas that can be used on a regional, community, or neighborhood level.*

The proposed zoning map amendment would not affect any open space designation on the master plan map. The amendment will not impact the use of open space on a regional, community, or neighborhood level.

7. *The area at the southeast corner of Whitefish Stage Road and Rose Crossing be designated as Neighborhood Commercial and it would be anticipated that the uses and services offered in this area would be within the scale and character of*

the neighborhood in which it is located.

The intersection mentioned in this policy statement/guideline is not a part of or in close proximity to the proposed zoning map amendment.

8. *During the review of specific development proposals, an adequate provision be made for the future expansion and connection of roadways in the areas to insure that a grid street system can be established and that adequate upgrades to existing roads such as Rose Crossing and Whitefish Stage Road are made or can be made in the future, including provisions for a 120' right of way on Whitefish Stage Road, a 120' right of way on Rose Crossing and an 80' right of way on all other roads in the plan area.*

The proposed zoning map amendment will not impact the ability of a governing body such as Flathead County to require appropriate easements or rights of way at the time of development. These provisions would be required during the subdivision review process, were it to occur in the future. This policy statement/guideline does have bearing on the proposed zoning map amendment because the subject property would access directly onto Rose Crossing, east of the railroad crossing.

9. *It is recognized that as this area grows there will be additional impacts on fire and police services and those impacts must be mitigated by the users. The need for future fire station and police substation in the area will be addressed through the use of waivers to the creation of a special improvements district, special improvement district, impact fees or other mutually agreeable measures.*

The proposed zoning map amendment will not impact the ability of a governing body such as Flathead County from requiring waivers or reaching an agreement with property owners and developers to ensure public health and safety needs are adequately met as a result of future development.

10. *Some of the properties within the Two River Plan amendment area are environmentally sensitive and will require special consideration in order to mitigate potential impacts to groundwater, surface water and the scenic environment. Those mitigation measures shall be identified and made part of the project review process and specific development proposals are considered either by the City of the County.*

The subject property does exhibit environmental constraints including Trumbull Creek, 100-year floodplain, sensitive riparian areas and potentially high groundwater. The I-1H zoning proposed requires a 50-foot setback from the designated high water mark for all structures. Additionally, future development requiring subdivision review would address these environmentally sensitive features through the Impact Criteria Report or Environmental Impact Statement, and the Stream Riparian Protections requirements found in Section 4.7.12 of the Flathead County Subdivision Regulations.

11. *A grid system and road designation shown on the attached map, shall be established across the plan by recommendation of the County Road Supervisor, Flathead County Planning Board and Staff, and the Long Range Planning Task*

Force.

The proposed zoning map amendment should not impact the County's ability to establish a grid system for the plan area.

12. *A 50 foot minimum setback shall be required from the High Water Mark of waterways for any structure.*

As previously discussed, the bulk and dimensional standards of the proposed zoning designation require a minimum 50-foot setback from the high water mark of a stream, for all structures on property zoned I-1H.

Finding #1 – The proposed zoning map amendment complies with the Two Rivers Master Plan Amendment because the portion of the subject properties requesting a zone change from “SAG-10 Suburban Agricultural” to “I-1H Light Industrial – Highway” is designated for industrial uses according to the associated land use map.

Finding #2 – The proposed zoning map amendment generally complies with most policy statements and guidelines identified in the Two Rivers Mast Plan Amendment because a conceptual development plan exists for the property in some form; the proposed zoning would address environmentally sensitive areas located onsite; would not preclude the governing body from requiring facility and infrastructure improvements necessary as a result of future development; is not related to housing availability or options and will not affect existing open space land use designations identified on the map.

Finding #3 – The zoning map amendment requested has the potential to create inconsistency with policy statements requiring urban services and facilities to be available prior to development because the property is not currently served by a public water and sewer district and development may require extension of these facilities and annexation into the service district, which could be prohibitive or impossible in certain instances.

The Flathead County Growth Policy identifies a number of goals and policies that appear relevant to the requested zoning map amendment to “I-1H Light Industrial – Highway”. The following is a list and discussion of those specific goals and policies that may be implemented through zoning (or rezoning):

P.5.1 Match requirements of industrial land uses (such as human resources, adequate water supply, suitable road network) and areas of Flathead County where those requirements can best be met.

- A number of properties in the area surrounding the subject properties have been previously zoned for industrial uses. The subject property abuts an operating railway which could potentially incentivize the location/relocation of certain industrial uses, and is in close proximity to a major highway (U.S. Highway 2) and a minor arterial (Rose Crossing).

P.5.2 Promote industrial parks and centers that take advantage of infrastructure and minimize impacts to the environment or adjacent land uses.

- The proposed I-1H zoning designation has bulk and dimensional standards intended to mitigate impacts to streams and riparian resources; floodplain development regulations would further mitigate impacts to Trumbull Creek.

P.5.5 Restrict industrial uses that cannot be mitigated near incompatible uses such as residential, schools, environmentally sensitive areas such as wetlands, floodplains, riparian areas, areas of shallow groundwater, etc.

- In addition to bulk and dimension requirements protecting riparian resources, the I-1H zoning designation incorporates design standards required for access, building design, landscaping and signage that would help mitigate impacts to incompatible uses in the area.

P.10.1 Discourage high density development within the 500-year floodplain.

- According to FEMA Firm Panel # 1420G, the subject property appears to be entirely within 500-year floodplain, with a portion of the property in 100-year floodplain (along Trumbull Creek).

P.10.5 Protect wetlands and riparian areas. See Goal 38 and Policies 38.1 through 38.4P.13.4

- In addition to floodplain development restrictions, the I-1H zoning proposed has bulk and dimensional standards that would mitigate future impacts to the riparian areas along Trumbull Creek.

P.13.4 Encourage the development of an airport appropriate industrial/business center to provide convenient access to Glacier International Airport and serve a growing economy.

- The subject property lies south of Glacier International Airport and could serve in this capacity.

P.21.1 Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.

- The requested zone change would increase industrial land available within the County, located adjacent to an active rail line, major highway and minor arterial roadway.

P.22.2 Promote business centers and industrial parks in areas served by sufficient infrastructure with consideration to proximity to population densities.

- The subject property is located on the edge of Evergreen and in relative close proximity to the City of Kalispell, both areas of high population density in Flathead County. However, the property is not currently served by public water and sewer utilities, which may impact future development.

P.28.8 Implement scientifically defensible protection zones for aquifers susceptible to potential contamination and limit land uses to low intensity development in these zones.

- Portions of the subject property have been identified as 100-floodplain with sensitive riparian habitat. The eastern portion of Tract 3A will remain under SAG-10 zoning, thus limiting development density on this portion of the subject property. Floodplain development restrictions will limit future development on both tracts of land, and the I-1H zoning proposed has bulk and dimensional standards requiring setbacks to mitigate impacts to sensitive riparian areas along Trumbull Creek.

P.40.2 Promote development into areas with public facilities or appropriate depth to groundwater to preserve water quality and water supply.

- Concerns exist that portions of the subject property may have high groundwater, and public facilities are not currently available to serve future development. Future development may require these utilities be extended to be available to serve proposed industrial uses; however, the feasibility of this requirement is unknown at this time and may limit future development potential onsite.

P.40.4 Encourage rural low-intensity land uses in areas where the groundwater is less than eight feet unless scientific evidence shows that a higher or lower intensity of land use is appropriate.

- Discussion for this policy is identical to discussion in Policy 40.2.

P.47.6 Discourage urban-density development that lacks urban services and facilities.

- The I-1H zoning proposed has the potential to significantly increase density on the subject properties, as the minimum lot size would be reduced from 10 acres to 1 acre. Public water and sewer utilities and facilities are not currently available to serve this area of the County.

Finding #4 – The proposed zoning map amendment is generally consistent with applicable goals and policies found in the Flathead County Growth Policy because the subject properties have access to a transportation system that includes a major highway, minor arterial County road as well as an operating rail line; the proposal would increase opportunities for economical and industrial development options in the County; and the proposed zoning has standards in place to mitigate impacts to sensitive environmental areas as well as neighboring, non-compatible uses.

Finding #5 – The proposed zoning map amendment is not supported by some goals and policies regarding the provision of public services and facilities because the zone change has the potential to significantly increase density on the subject property which may have areas of high groundwater and is not currently served

by public water and sewer utilities or located within a public water and sewer district.

ii. Whether the proposed map amendment is designed to:

1. Secure safety from fire and other dangers;

The subject properties are located in an area of the County served by the Evergreen Rural Fire Department; the nearest fire station is located less than two miles south at 2236 U.S. Highway 2 East. Staff solicited comment from the fire department and spoke to Chief Craig Williams regarding the zoning map amendment and the types of industrial uses allowed under I-1H zoning. The department's concerns generally focused on their ability to provide adequate fire emergency service to certain types of industrial uses permitted in I-1H; specifically those that might require chemical components for manufacturing processes that the department may not have equipment to handle.

In many ways the "I-1H Light Industrial – Highway" zoning designation serves as a catch-all for a variety of commercial and industrial uses, but the intent of the district is to allow activities that would not produce objectionable by-products. Such uses are directed toward the "I-2 Heavy Industrial" designation and include manufacturing or processing activities such as fuel sales or storage, dry kilns, lumber mills, pesticide and explosives manufacturing, etc. Review of a zoning map amendment does not require a specific use or uses be proposed for a property. In this case the applicant has indicated future development on the property would be geared toward those industries requiring rail access and listed among the permitted or conditional uses of the district; beyond this, it is unclear precisely what type of industrial use would result from the proposed zoning map amendment.

Should future development of the property require a conditional use permit, an added level of review would trigger discussion of specific uses and potential mitigation requirements from the Evergreen Rural Fire Department. If, however, the type of industrial development proposed on the subject property falls under a use that is permitted in I-1H zoning, there would be no additional review or permitting required by the County Planning and Zoning Office, unless development was proposed within the designated floodplain or the property was to go through subdivision review. This would not preclude review by the State of Montana for commercial building construction, or review by the Department of Environment Quality and the Flathead City-County Health Department for well and septic facilities. Uses listed under any zoning designation are 'permitted' because they are seen as generally appropriate for the districts they reside in and do not require additional review.

Finding #6 – The proposed zoning map amendment would secure safety from fire and other dangers because it is located within the jurisdiction of the

Evergreen Rural Fire Department and response time would be minimal because the property is less than two miles from the nearest fire station.

Finding #7 – The types and intensities of industrial uses to be developed onsite in the future may impact the extent to which the Evergreen Rural Fire Department could respond to and be effective in the event of a fire or medical emergency; these concerns may be partially mitigated if the property were to undergo review for subdivision or a conditional use permit, or if the permitted use required review and approval from the State of Montana for future commercial or industrial buildings.

2. Promote public health, public safety, and general welfare;

In addition to substantial setback requirements from County roads, highways and stream corridors, the proposed I-1H zoning designation requires additional design standards to be met for access, building design, landscaping and signage on site. These design standards help promote public health, safety and welfare onsite by ensuring internal and access roads to industrial development are properly designed and constructed, appropriate landscaping is implemented to create visual barriers of industrial activities from the public right-of-way, buildings are oriented in such a manner that conceal garage doors and open bays, and signage is appropriate and effective while not obstructing site lines along major transportation corridors.

The subject property's location along Trumbull Creek, and the presence of 100 and 500-year floodplain, indicates there may be issues with high groundwater in this area. The configuration of the proposed zoned change encourages industrial development along the rail corridor and away from these sensitive low-lying areas. However, comments received from the Flathead City County Health Department indicate the subject property is in an area of the County that has the potential for high groundwater, and future development must take this into consideration. Groundwater monitoring may be required by the Environmental Health Department prior to the issuance of a septic permit for any future development.

In response to these concerns, the applicant submitted groundwater monitoring logs compiled in 2007 and 2008, accompanied by a monitoring well location map and soil profiles for wells located on the subject properties. Data recorded for monitoring wells #1-11 indicate depth to groundwater greater than 8 feet (with the exception of well #5 recorded on 7/8/2008 at 7.99 ft.). Comment from Andy Hyde of Carver Engineering identified groundwater levels on site ranging from "generally good" to "good" when moving south to north. Although future monitoring may still be required to ensure groundwater is at an acceptable level for industrial development in certain areas of the site, information submitted indicates groundwater levels monitored may not be as high, or pose as significant a problem as originally anticipated.

Finding #8- The proposed zoning map amendment would promote public health, safety and welfare by requiring increased setbacks and additional design standards to mitigate impacts of light industrial development on the surrounding area; and because groundwater monitoring completed to date indicate depth to groundwater exceeding 8 feet across the subject property, and future monitoring (if required) would identify areas appropriate to accommodate future development without impacting groundwater.

3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Currently, Tract 3A has direct access onto Rose Crossing, a paved public road in good condition and maintained by the County. A small portion of the southwest corner of Tract 7F is adjacent to U.S. Highway 2; however, the applicant is proposing access to both lots via Rose Crossing, as direct access onto a major highway in this location would be hazardous. Rose Crossing intersects U.S. Highway 2 using a signalized intersection located approximately 300 feet west of where the access may be proposed. Both Rose Crossing and U.S. Highway 2 appear adequate to handle the additional traffic that could be created as a result of the zoning map amendment from SAG-10 to I-1H.

As previously discussed, the properties would be served by individual well and septic utilities, as they are currently located outside the Evergreen Water and Sewer District. The District is currently located to the south and west of the subject properties, and depending on proximity, future development may require annexation into the public water and sewer district [pursuant to Section 17.36.328 of ARM and Section 76-3-601 M.C.A.]. Annexation could require extension and improvements constructed to City of Kalispell standards. Such requirements would be determined by the Department of Environmental Quality and the Environmental Health Department upon future review, but could limit development potential depending on the feasibility of such an annexation and the availability of the district to serve the development proposed.

This scenario has the potential to create a situation whereby public utilities may be required to accommodate future development (as determined by DEQ), but the public water and sewer district may not have the capacity to serve the proposed use(s). While it is important to acknowledge this potential exists, the requested zoning map amendment to I-1H does not require public utilities and facilities be available to serve the subject properties; in fact, it is not uncommon that industrial properties utilize individual well and septic facilities throughout Flathead County. The lack of public infrastructure is noteworthy, but regulations dictate it be further addressed (and mitigated) during subdivision review, conditional use permitting or through the requirements of the Montana Department of Environmental Quality and the Environmental Health Department.

The proposed zoning map amendment would have no impact on schools or parks, as the designation would change the use on the property from suburban agricultural to industrial and would not affect land currently set aside for future recreation or open space needs.

Finding #9- The proposed zoning map amendment would facilitate the adequate provision of public utilities and facilities because the subject properties have access to a transportation network adequate to serve the intensity of use; the property would utilize individual well and septic unless otherwise required; should public water and sewer facilities be required, an assurance of adequate capacity and infrastructure would be required prior to development; and because the change in land use from suburban agricultural to industrial would have no impact on schools or parks.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

The configuration of the proposed zone change would result in an “I-1H Light Industrial – Highway” zoning designation abutting a “SAG-10 Suburban Agricultural” zoning designation. Although SAG-10 zoning does allow for single family residential uses, the bulk and dimensional requirements of the district would aid in preventing negative impacts to residential or agricultural uses as a result of the zone change request. Similarly, the bulk and dimensional requirements of the I-1H zoning would ensure the adequate provision of light and air on the subject property by requiring additional setbacks from highways, County roads and the high water mark of streams, as well as landscaping requirements for properties abutting both highways and County roads. Although the 1 acre minimum lot size allowed under I-1H zoning is significantly smaller than the 10 acre minimum lot size allowed under SAG-10, bulk and dimensional requirements unique to I-1H will likely dictate the amount of acreage necessary to operate certain types of industrial uses and accommodate the additional design standards of the district.

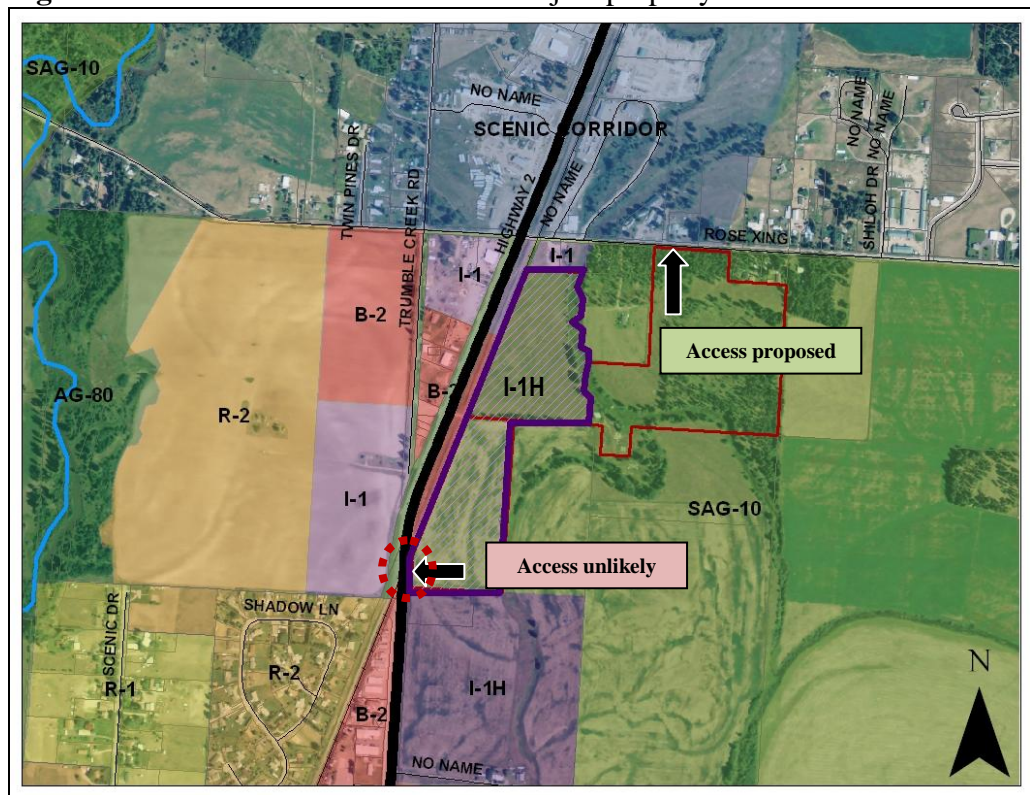
Finding #10 - The proposed zoning map amendment would facilitate the reasonable provision of adequate light and air through increased setback requirements and design standards applicable to the subject property.

2. The effect on motorized and non-motorized transportation systems;

Both Tract 7F and 3A are bounded to the west by the Mission Mountain Railroad, owned by BNSF and operated by Watco, which runs the length of both properties for approximately 2,232 feet. Access to this rail line would need to be granted by BNSF and/or Watco, but its presence is seen as a major attractor in locating light industrial uses in this area of the County. Tract 3A is currently accessible from Rose Crossing, a paved public road maintained by Flathead County and designated as a minor arterial (see Figure 5 below). While a portion of Tract 7F abuts the U.S. Highway 2 right-of-way, direct

uncontrolled access onto the highway would not only be unsafe but unrealistic. Proximity to the bend in the highway, coupled with the at-grade railroad crossing would create a potentially hazardous situation, especially with industrial traffic involved. Should the zone change request be approved and a subsequent boundary line adjustment completed, the future tract zoned for industrial use (outlined in purple in Figure 5 below) would require an access easement across Tract 3A onto Rose Crossing. Future development plans indicate a road would be constructed to access this industrial tract, as well as future residential development on the remainder of Tract 3A. It is important to note the access road proposed would have to cross Trumbull Creek at some juncture, to serve to the future industrial lot. Such crossing would most certainly impact 100-year floodplain and the riparian area along the stream banks, and would require permits be obtained by all reviewing authorities for anticipated impacts to floodplain and riparian areas on site.

Figure 5: Access issues related to the subject property.



Future access onto Rose Crossing would require review and approval from the Flathead County Road and Bridge Department. The western corner of Tract 3A is located approximately 300 feet from the intersection of Rose Crossing and U.S. Highway 2; a traffic light has been installed at this intersection to further aid in traffic control. Traffic counts obtained from the County Road and Bridge Department website indicates that in 2005 there were an average of 1,165 vehicle trips per day along Rose Crossing west of Helena Flats Road; similarly in 2007 counts indicated traffic volumes averaging 1,224 vehicle

trips per day on Rose Crossing east of Whitefish Stage. Although Rose Crossing is paved and in good condition, the roadway sits within a narrow easement that varies in width and has a limited shoulder to accommodate wide loads as you head east from the Highway 2 intersection. Furthermore, the road crosses the rail line at grade, immediately before intersecting U.S. Highway 2. While the railroad crossing does have safety gates, the potential exists for increased truck traffic to block or otherwise impede the rail crossing and negatively impact the traffic flow along this relatively short length of Rose Crossing. However, comment from the Road and Bridge Department indicated there were no concerns with the proposed zone change request at this time.

Finding #11- The proposed zoning map amendment would have minimal impact on motorized and non-motorized transportation systems because future industrial development would access Rose Crossing, a paved minor arterial in good condition, which has an improved intersection controlling access onto U.S. Highway 2; future access would require review and approval by the County Road and Bridge Department - who did not have any concerns with the proposal at this time – and would also require permitting be obtained for impacts to floodplain from the anticipated stream crossing. Future industrial development on the property may request access to, and therefore impact the adjacent Mission Mountain rail line; it is anticipated all future access to rail would be permitted by BNSF and/or Watco.

3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The Two Rivers Master Plan Amendment has identified this area of the County as appropriate for the expansion of urban uses, and the associated land use map designates the land use for this area as ‘industrial’. Although currently undeveloped, the 30.65 acres proposed to be zoned “I-1H Light Industrial – Highway” would not be the most appropriate or desirable place for future residential development, given its proximity to the rail line and highway. While property to the east of the proposed map amendment is predominantly rural residential in character, adjacent properties to the north and south are zoned for light industrial uses, as are properties to the west across U.S. Highway 2. With the exception of public water and sewer utilities, infrastructure exists and appears adequate to accommodate light industrial development, and surrounding land uses indicate that a limited expansion of light industrial zoning would be compatible with the surrounding area.

Finding #12- The zoning map amendment gives consideration to and would encourage compatible urban growth because the area has been designated appropriate for industrial uses according to the applicable land use plan; properties adjacent to the proposed amendment area are similarly zoned for light industrial use; and the amendment area appears more appropriate for

industrial or commercial uses than residential given its proximity to the highway and access to rail.

4. The character of the district(s) and its peculiar suitability for particular uses;

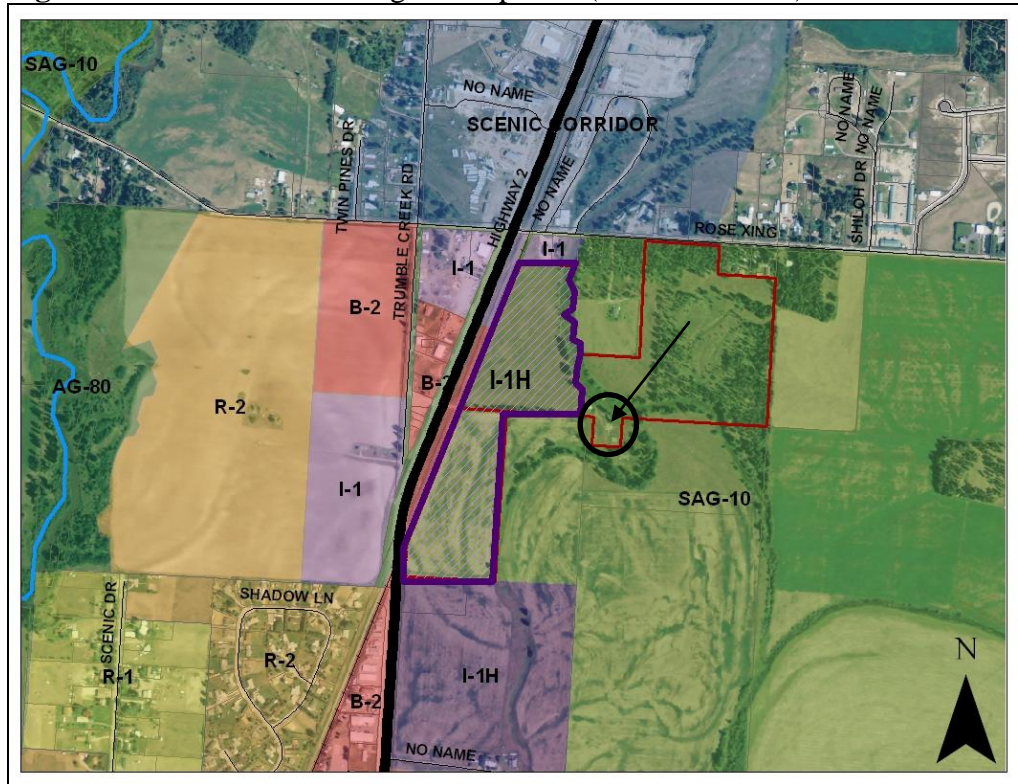
As previously discussed, the subject properties upon which the zoning map amendment would apply are located adjacent to an active rail line owned by BNSF and operated by Watco Companies, Inc., in close proximity to U.S. Highway 93 and having direct access onto Rose Crossing, a paved public County road. The presence of the rail line, highway and minor arterial roadway make this property ideal for industrial uses that require access to transportation networks, and its location near the City of Kalispell and within the Evergreen community ensures proximity to population centers providing employees, consumers, goods and services. Additionally, property to the north, south and west of Tracts 3A and 7F is zoned for industrial uses similar to that which is being requested by the applicant.

Finding #13 - The proposed zoning map amendment is suitable for the subject property because the existing transportation network can accommodate light industrial uses, the active rail line is beneficial for certain industrial uses and property surrounding the proposed amendment area is similarly zoned for light industrial.

5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The subject property is currently undeveloped with the exception of a small residence (constructed in 1904) and accessory structures located on the southernmost portion of Tract 3A (see Figure 5 below). The proposed zoning map amendment boundary would fall to the west of these existing structures, and the subsequent boundary line adjustment would result in the property zoned I-1H being wholly undeveloped.

Figure 5: Location of existing development (circled in black).



Existing industrial zoning to the north, south and west of the subject property indicates the most appropriate use of land in this particular area – along U.S. Highway 2 and the Mission Mountain rail corridor – is not suburban agricultural. Trumbull Creek and the required 50 foot setback requirement would continue to buffer the existing residential uses generally north of Tract 3A and west of the proposed I-1H designation.

Finding #14- The zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdiction because property to the north, south and west is similarly zoned for industrial uses, the zoning designation would not apply to the portion of Tract 3A that is currently developed, and bulk and dimensional requirements of the I-1H zoning designation would prevent encroachment of industrial uses toward existing residential development located north and east of the amendment area.

iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The proposed zoning map amendment under review is in a unique position, as a similar request on the same tract(s) of land was previously reviewed and preliminarily approved by the City of Kalispell in 2009. The City’s review of the proposal identified the request for industrial zoning to be compliant with their growth policy because future industrial development “should have adequate

access to rail, highway and airport facilities and be of sufficient size to allow for future expansion”. This assessment indicates similarities between the County and City’s vision for this area of Evergreen, and suggests the requested zone change from SAG-10 to I-1H on the subject property would be compatible with Kalispell’s zoning ordinances.

Finding #15 - The zoning map amendment to I-1H Light Industrial Highway would be compatible with Kalispell’s municipal zoning ordinance because a similar request for industrial zoning was previously reviewed and preliminarily approved by the City on the subject property, indicating this type of use designation would be acceptable for this area.

V. SUMMARY OF FINDINGS

- 1. Finding #1** – The proposed zoning map amendment complies with the Two Rivers Master Plan Amendment because the portion of the subject properties requesting a zone change from “SAG-10 Suburban Agricultural” to “I-1H Light Industrial – Highway” is designated for industrial uses according to the associated land use map.
- 2. Finding #2** – The proposed zoning map amendment generally complies with most policy statements and guidelines identified in the Two Rivers Mast Plan Amendment because a conceptual development plan exists for the property in some form; the proposed zoning would address environmentally sensitive areas located onsite; would not preclude the governing body from requiring facility and infrastructure improvements necessary as a result of future development; is not related to housing availability or options and will not affect any existing open space land use designations identified on the map.
- 3. Finding #3** – The zoning map amendment requested has the potential to create inconsistency with policy statements requiring urban services and facilities to be available prior to development because the property is not currently served by a public water and sewer district and development may require extension of these facilities and annexation into the service district, which could be prohibitive or impossible in certain instances.
- 4. Finding #4** – The proposed zoning map amendment is generally consistent with applicable goals and policies found in the Flathead County Growth Policy because the subject properties have access to a transportation system that includes a major highway, minor arterial County road as well as an operating rail line; the proposal would increase opportunities for economical and industrial development options in the County; and the proposed zoning has standards in place to mitigate impacts to sensitive environmental areas as well as neighboring, non-compatible uses.
- 5. Finding #5** – The proposed zoning map amendment is not supported by some goals and policies regarding the provision of public services and facilities because the zone change has the potential to significantly increase density on the subject property

which may have areas of high groundwater and is not currently served by public water and sewer utilities or located within a public water and sewer district.

6. **Finding #6** – The proposed zoning map amendment would secure safety from fire and other dangers because it is located within the jurisdiction of the Evergreen Rural Fire Department and response time would be minimal because the property is less than two miles from the nearest fire station.
7. **Finding #7** – The types and intensities of industrial uses to be developed onsite in the future may impact the extent to which the Evergreen Rural Fire Department could respond to and be effective in the event of a fire or medical emergency; these concerns may be partially mitigated if the property were to undergo review for subdivision or a conditional use permit, or if the permitted use required review and approval from the State of Montana for future commercial or industrial buildings.
8. **Finding #8**- The proposed zoning map amendment would promote public health, safety and welfare by requiring increased setbacks and additional design standards to mitigate impacts of light industrial development on the surrounding area; and because groundwater monitoring completed to date indicate depth to groundwater exceeding 8 feet across the subject property, and future monitoring (if required) would identify areas appropriate to accommodate future development without impacting groundwater.
9. **Finding #9**- The proposed zoning map amendment would facilitate the adequate provision of public utilities and facilities because the subject properties have access to a transportation network adequate to serve the intensity of use; the property would utilized individual well and septic unless otherwise required; should public water and sewer facilities be required, an assurance of adequate capacity and infrastructure would be required prior to development; and because the change in land use from suburban agricultural to industrial would have no impact on schools or parks.
10. **Finding #10** - The proposed zoning map amendment would facilitate the reasonable provision of adequate light and air through increased setback requirements and design standards applicable to the subject property.
11. **Finding #11** - The proposed zoning map amendment would have minimal impact on motorized and non-motorized transportation systems because future industrial development would access Rose Crossing, a paved minor arterial in good condition, which has an improved intersection controlling access onto U.S. Highway 2; future access would require review and approval by the County Road and Bridge Department - who did not have any concerns with the proposal at this time – and would also require permitting be obtained for impacts to floodplain from the anticipated stream crossing. Future industrial development on the property may request access to, and therefore impact the adjacent Mission Mountain rail line; it is anticipated all future access to rail would be permitted by BNSF and/or Watco.

- 12. Finding #12-** The zoning map amendment gives consideration to and would encourage compatible urban growth because the area has been designated appropriate for industrial uses according to the applicable land use plan; properties adjacent to the proposed amendment area are similarly zoned for light industrial use; and the amendment area appears more appropriate for industrial or commercial uses than residential given its proximity to the highway and access to rail.
- 13. Finding #13 -** The proposed zoning map amendment is suitable for the subject property because the existing transportation network can accommodate light industrial uses, the active rail line is beneficial for certain industrial uses and property surrounding the proposed amendment area is similarly zoned for light industrial.
- 14. Finding #14-** The zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdiction because property to the north, south and west is similarly zoned for industrial uses, the zoning designation would not apply to the portion of Tract 3A that is currently developed, and bulk and dimensional requirements of the I-1H zoning designation would prevent encroachment of industrial uses toward existing residential development located north and east of the amendment area.
- 15. Finding #15 -** The zoning map amendment to I-1H Light Industrial Highway would be compatible with Kalispell's municipal zoning ordinance because a similar request for industrial zoning was previously reviewed and preliminarily approved by the City on the subject property, indicating this type of use designation would be acceptable for this area.

VI. RECOMMENDATION

Based on the review of the statutory criteria used to evaluate zoning map amendments, 12 of the 15 Findings of Fact support the requested zoning map amendment. Staff therefore recommends the Flathead County Planning Board adopt staff report FZC-10-07 as Findings of Fact and forward a recommendation of approval to the County Commissioners for a zoning map amendment on 30.65 acres in the Evergreen Zoning District, from "SAG-10 Suburban Agricultural" to "I-1H Light Industrial – Highway".

Planner: AM